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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,142	03/15/2001	Eric J. Horvitz	MS171139.1	5357

27195 7590 01/05/2005

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EXAMINER

FAROOQ, MOHAMMAD O

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/809,142	HORVITZ, ERIC J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad O. Farooq	2182	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38 is/are allowed.
- 6) ☒ Claim(s) 1-5, 22, 23, 39, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 6-21, 24-37, 40 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2.5. 9/25/03</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4, 22, 23, 39, 42 and 43 rejected under 35 U.S.C. 102(e) as being anticipated by Lin, US 2002/0118772 A1.

2. As to claim 1, Lin teaches a system for facilitating communication between entities, comprising:

one or more communication modalities that respectively provide for communication between at least two entities (i.e. between items 105/110 and 140/150, fig. 1), and

a communication manager (i.e. item 120 and/or 130) that analyzes a first communication data set associated with a first entity and a second communication data set associated with a second entity, the communication manager identifying a subset of the one or more communication modalities based at least in part on analysis of the first and second communication data sets and the communication manager establishing a communication between the entities via at least one modality of the subset (see fig. 1; page 2, paragraph 0020 and 0021; page 3, paragraph 0032).

3. As to claim 2, Lin teaches wherein the one or more communication modalities comprise at least one of: telephone modalities, facsimile modalities, computer modalities, paging modalities and personal modalities (voice and/or data, see fig. 1).

4. As to claim 3, Lin teaches wherein the telephone modalities comprise at least one of: POTS telephony, cellular telephony, satellite telephony and Internet telephony (POTS telephony, see fig. 1).

5. As to claim 4, Lin teaches wherein the computer modalities comprise at least one of: email, collaborative editing, instant messaging, network meetings, calendaring and home networking devices (item 110, 150, fig. 1).

Art Unit: 2182

6. As to claim 22, Lin teaches method for identifying and establishing one or more communications between one or more communicating parties, comprising:

determining one or more expected utilities (e.g. voice or data) associated with a communication between the communicating parties based, at least in part, on contactor data, contactee data (i.e. data signals) and communication modality data (page 2, paragraph 0020 and 0021; page 3, paragraph 0032); and

establishing the communication (see fig. 1).

7. As to claim 23, Lin teaches the contactor data comprises at least one of: contactor situation data and contactor preference data (dial or busy tone of the telephone, fig. 1).

8. As to claim 39, Lin teaches system for optimizing one or more contacts between one or more parties, comprising:

means for determining one or more expected utilities associated with a contact between the parties based, at least in part, on data associated with one or more contactors, data associated with one or more contactees and data associated with one or more communication channels (page 2, paragraph 0020 and 0021; page 3, paragraph 0032); and

means for establishing the communication (fig. 1).

9. As to claim 42, Lin teaches computer readable medium storing computer executable components for a system that facilitates communication between entities, comprising:

an identifying component (i.e. number for voice and/or address for data) that identifies a plurality of communication modalities that respectively provide for communication between at least two entities (see fig. 1), and

an analyzing component (item 120 and/or 130) that analyzes a first communication data set associated with a first entity and a second communication data set associated with a second entity, the analyzing component identifying one or more communication modalities of the plurality of modalities based at least in part on analysis of the first and second communication data sets and the analyzing component establishing a communication between the entities (page 2, paragraph 0020 and 0021; page 3, paragraph 0032; fig. 1).

10. As to claim 43, Lin teaches a computer readable medium containing computer executable instructions for performing a process for identifying and establishing one or more communications between one or more communicating parties, the process comprising:

determining one or more expected utilities associated with a communication between the communicating parties based, at least in part, on contactor data, contactee data and communication modality data (page 2, paragraph 0020 and 0021; page 3, paragraph 0032; see fig. 1); and

establishing the communication (see fig. 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, US 2002/0118772 A1 in view of Segur, U.S. Pat. No. 6,212,550 B1.

12. As to claim 5, Lin does not teach the personal modalities comprise at least one of: videoconferencing, messengering and face-to-face meeting. Segur teaches the personal modalities comprise at least one of: videoconferencing, messengering and face-to-face meeting (video mail; item 12, fig. 1; col. 2, lines 27-55).

However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Lin and Segur because that would provide a single telephone number that travels with the user and is not fixed to a physical location which will bring order to the chaos of potential message sources (col. 1, lines 14-37).

***Allowable Subject Matter***

13. Claim 38 is allowed.

14. Claims 6-21, 24-37, 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

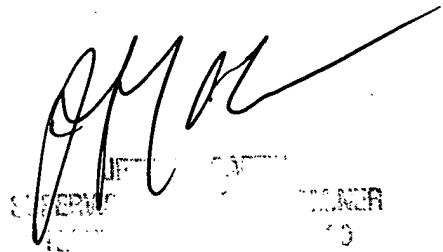


Art Unit: 2182

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Handwritten signature of Mohammad O. Farooq. Below the signature is a faint, partially legible stamp that appears to contain the word "EXAMINER" and some numbers.

Mohammad O. Farooq  
December 28, 2004